

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL ORTEGA,

No. 2:18-cv-02050-SB

Petitioner,

ORDER

v.

BRIGITTE AMSBERRY, Superintendent,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Beckerman issued a Findings and Recommendation [22] on November 5, 2019, in which she recommends the Court grant Respondent's Motion to Dismiss [17]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

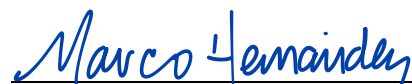
The Court has carefully considered Petitioner's objections and concludes that the objections do not provide a basis to modify the recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court adopts Magistrate Judge Beckerman's Findings and Recommendation [22]. Accordingly, the Court GRANTS Respondent's Motion to Dismiss [17] and dismisses this proceeding, without prejudice. The Court declines to issue a certificate of appealability because reasonable jurists would not find it debatable whether this Court is correct in its procedural ruling.

IT IS SO ORDERED.

DATED: April 1, 2020.



MARCO A. HERNÁNDEZ
United States District Judge